

Central Administrative Tribunal
Jabalpur Bench

OA No.288/05

Jabalpur, this the 2nd...th day of December 2005.

C O R A M

Hon'ble Mr.Madan Mohan, Judicial Member

1. Smt.Pushpa Dubey
Wife of Late Deepak Kumar Dubey
R/o 1153/26 Gupteswar
In front of Ashirbad Apartment
Prem Nagar
Jabalpr.

2. Sonoo
Son of Deepak Kumar Debey
Address as above.

Applicants

(By advocate: Shri R.B.Yadav)

Versus

1. Union of India through
Secretary
Ministry of Defence Production
South Block
DHQ PO
New Delhi.
2. Director General of Ordnance Factory/
Chairman
Ordnance Factory Board
Khudiram Bose Road
Kolkata.
3. The General Manager
Vehicle Factory
Jabalpur.

Respondents.

(By advocate Shri A.P.Khare)

O R D E R

By Madan Mohan, Judicial Member



By filing this OA, the applicant has claimed the following reliefs:

- (i) Quash the impugned order and direct the respondents to appoint applicant No.2 on compassionate grounds.

2. The brief facts of the case are that the husband of applicant No.1 and father of applicant No.2, who was working in Vehicle Factory, Jabalpur, died in harness on 11.10.1991. Thereafter, applicant No.1 submitted an application-dated 6.2.92 for employment assistance on compassionate ground. Though applicant No.1 received a letter from respondent No.3 for compassionate appointment, but she could not appear before the competent officer due to illness. The deceased employee left behind his parents, one sister, the applicants and a younger son. Thereafter applicant No.1 submitted an application dated 9.9.2003 for employment assistance to her elder son – applicant No.2 herein- on compassionate grounds. Applicant No.1 also filed an OA No.398/04 earlier, which was disposed of by the Tribunal directing the respondents to consider and decide her representation. However, vide impugned order dated 11.10.2004 (Annexure A10) the respondents rejected the representation of the applicants. Hence this OA is filed.

3. Heard learned counsel for both parties. It is argued on behalf of the applicants that denial of appointment on compassionate ground to applicant No.2 is without any justification and is against the very spirit of the guidelines on the subject. The applicants are in dire need of immediate assistance. The applicants have no other source of income except the meager family pension.

4. In reply, learned counsel for the respondents argued that after due consideration and on the merits of the case based on the government instructions on the subject, Smt.Pushpa Dubey, widow of the deceased had been called for personal interview and to submit the relevant documents on three occasions, but she had failed to turn up on three occasions. Having failed to attend the interview despite three chances given, the applicant had filed an OA No.398/04 seeking



appointment to her son. The aforesaid OA was disposed of by the Tribunal directing the respondents consider and decide the representation by passing a detailed, reasoned and speaking order. Accordingly a speaking order had been issued vide Annexure R1. The applicant had not paid to any heed to the interview call letters issued on three occasions and did not show any eagerness to get a government employment.

5. After hearing the learned counsel for the parties and perusing the records, I find that the applicant could not appear for an interview ^{before the} with the respondents on three occasions. Instead she filed an OA No.398/04, which was disposed of by the Tribunal directing the respondents to consider and decide the representation of the applicant for employment assistance in favour of her son. I have perused the impugned order dated 11.10.2004 which seems to be a speaking and reasoned one and in this order, it is clearly mentioned that "a period of more than 13 years have lapsed now the compassionate appointment cannot be claimed after such considerable lapse of time and a vacancy cannot be kept reserved till such time. Compassionate appointment cannot be claimed as a matter of right but it is granted only as per the policy of Government within the stipulated time limit only." The argument advanced on behalf of the respondents that compassionate appointment cannot be claimed as a matter of right and it is provided in case of acute financial crisis in a family on the death of a bread earner seems to be legal and justified.

6. Considering all facts and circumstance of the case, I find that the OA has no merit. Accordingly the OA is dismissed. No costs.

(Madan Mohan)
Judicial Member

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(4)

R. B. Yadav

A. P. Khanna

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